

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1064

Introduced by Raikes, 25

Read first time January 14, 2004

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,298,
2 Revised Statutes Supplement, 2003; to change provisions
3 and provide duties relating to the issuance of special,
4 continuing, or continuous permits; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Revised Statutes
2 Supplement, 2003, is amended to read:

3 60-6,298. (1)(a) The Department of Roads, ~~or~~ the
4 Nebraska State Patrol, ~~with respect to highways under its~~
5 ~~jurisdiction including the National System of Interstate and~~
6 ~~Defense Highways,~~ and local authorities, ~~with respect to highways~~
7 ~~under their jurisdiction,~~ may in their discretion upon application
8 and good cause being shown therefor issue a special, continuing, or
9 continuous permit. The department, Nebraska State Patrol, or local
10 authority shall make the issuing policies and procedures of such
11 permits explicitly known to the public, including, but not limited
12 to, instructions on how to apply for such permits and the amount of
13 any fee or fees. If such policies and procedures are not made
14 explicitly known to the public, no such permits shall be required.
15 The permit shall be in writing authorizing the applicant or his or
16 her designee:

17 (i) To operate or move a vehicle, a combination of
18 vehicles, or objects of a size or weight of vehicle or load
19 exceeding the maximum specified by law when such permit is
20 necessary:

21 (A) To further the national defense or the general
22 welfare;

23 (B) To permit movement of cost-saving equipment to be
24 used in highway or other public construction or in agricultural
25 land treatment; or

26 (C) Because of an emergency, an unusual circumstance, or
27 a very special situation;

28 (ii) To operate vehicles, for a distance up to one

1 hundred twenty miles, loaded up to fifteen percent greater than the
2 maximum weight specified by law, up to ten percent greater than the
3 maximum length specified by law, except that for a truck-tractor
4 semitrailer trailer combination utilized to transport sugar beets
5 which may be up to twenty-five percent greater than the maximum
6 length specified by law, or both, when carrying grain or other
7 seasonally harvested products from the field where such grain or
8 products are harvested to storage, market, or stockpile in the
9 field or from stockpile to market or factory when failure to move
10 such grain or products in abundant quantities would cause an
11 economic loss to the person or persons whose grain or products are
12 being transported or when failure to move such grain or products in
13 as large quantities as possible would not be in the best interests
14 of the national defense or general welfare. The distance
15 limitation may be waived for vehicles when carrying dry beans from
16 the field where harvested to storage or market when dry beans are
17 not normally stored, purchased, or used within the permittee's
18 local area and must be transported more than one hundred twenty
19 miles to an available marketing or storage destination. No permit
20 shall authorize a weight greater than twenty thousand pounds on any
21 single axle;

22 (iii) To transport an implement of husbandry which does
23 not exceed twelve and one-half feet in width during daylight hours,
24 except that the permit shall not allow transport on holidays; or

25 (iv) To operate one or more recreational vehicles, as
26 defined in section 71-4603, exceeding the maximum width specified
27 by law if movement of the recreational vehicles is prior to retail
28 sale and the recreational vehicles comply with subdivision (2)(k)

1 of section 60-6,288. A copy of the permit shall be carried with
2 the recreational vehicle or vehicles.

3 (b) No permit shall be issued under subdivision (a) (i) of
4 this subsection for a vehicle carrying a load unless such vehicle
5 is loaded with an object which exceeds the size or weight
6 limitations, which cannot be dismantled or reduced in size or
7 weight without great difficulty, and which of necessity must be
8 moved over the highways to reach its intended destination. No
9 permit shall be required for the temporary movement on highways
10 other than dustless-surfaced state highways and for necessary
11 access to points on such highways during daylight hours of
12 cost-saving equipment to be used in highway or other public
13 construction or in agricultural land treatment when such temporary
14 movement is necessary and for a reasonable distance.

15 (2) The application for any such permit shall
16 specifically describe the vehicle, the load to be operated or
17 moved, whenever possible the particular highways for which permit
18 to operate is requested, and whether such permit is requested for a
19 single trip or for continuous or continuing operation.

20 (3) The department or local authority is authorized to
21 issue or withhold such permit at its discretion or, if such permit
22 is issued, to limit the number of days during which the permit is
23 valid, to limit the number of trips, to establish seasonal or other
24 time limitations within which the vehicles described may be
25 operated on the highways indicated, or to issue a continuous or
26 continuing permit for use on all highways, including the National
27 System of Interstate and Defense Highways. The permits are subject
28 to reasonable conditions as to periodic renewal of such permit and

1 as to operation or movement of such vehicles. The department or
2 local authority may otherwise limit or prescribe conditions of
3 operation of such vehicle or vehicles, when necessary to assure
4 against undue damage to the road foundations, surfaces, or
5 structures or undue danger to the public safety. The department or
6 local authority may require such undertaking or other security as
7 may be deemed necessary to compensate for any injury to any roadway
8 or road structure.

9 (4) Every such permit shall be carried in the vehicle to
10 which it refers and shall be open to inspection by any peace
11 officer, carrier enforcement officer, or authorized agent of any
12 authority granting such permit. Each such permit shall state the
13 maximum weight permissible on a single axle or combination of axles
14 and the total gross weight allowed. No person shall violate any of
15 the terms or conditions of such special permit. In case of any
16 violation, the permit shall be deemed automatically revoked and the
17 penalty of the original limitations shall be applied unless:

18 (a) The violation consists solely of exceeding the size
19 or weight specified by the permit, in which case only the penalty
20 of the original size or weight limitation exceeded shall be
21 applied; or

22 (b) The total gross load is within the maximum authorized
23 by the permit, no axle is more than ten percent in excess of the
24 maximum load for such axle or group of axles authorized by the
25 permit, and such load can be shifted to meet the weight limitations
26 of wheel and axle loads authorized by such permit. Such shift may
27 be made without penalty if it is made at the state or commercial
28 scale designated in the permit. The vehicle may travel from its

1 point of origin to such designated scale without penalty, and a
2 scale ticket from such scale, showing the vehicle to be properly
3 loaded and within the gross and axle weights authorized by the
4 permit, shall be reasonable evidence of compliance with the terms
5 of the permit.

6 (5) The department or local authority issuing a permit as
7 provided in this section may adopt and promulgate rules and
8 regulations with respect to the issuance of permits provided for in
9 this section.

10 (6) A local authority issuing permits under this section
11 shall also issue permits for the department, the Nebraska State
12 Patrol, or another local authority under this section. The
13 department and Nebraska State Patrol issuing permits under this
14 section shall also issue permits for any local authority under this
15 section.

16 (7) The department shall make available applications for
17 permits authorized pursuant to subdivisions (1)(a)(ii) and
18 (1)(a)(iii) of this section in the office of each county treasurer.
19 The department may make available applications for all other
20 permits authorized by this section to the office of the county
21 treasurer and may make available applications for all permits
22 authorized by this section to any other location chosen by the
23 department.

24 ~~(7)~~ (8) The department or local authority issuing a
25 permit may require a permit fee of not to exceed twenty-five
26 dollars, except that:

27 (a) The fee for a continuous or continuing permit may not
28 exceed twenty-five dollars for a ninety-day period, fifty dollars

1 for a one-hundred-eighty-day period, or one hundred dollars for a
2 one-year period; and

3 (b) The fee for permits issued pursuant to subdivision
4 (1)(a)(ii) of this section shall be twenty-five dollars for a
5 thirty-day permit and fifty dollars for a sixty-day permit.
6 Permits issued pursuant to such subdivision shall be valid for
7 thirty days or sixty days and shall be renewable for a total number
8 of days not to exceed one hundred and twenty days per year.

9 (9) A vehicle or combination of vehicles for which an
10 application for a permit is requested pursuant to this section
11 shall be registered under section 60-331 or 60-356 for the maximum
12 gross vehicle weight that is permitted pursuant to section 60-6,294
13 before a permit shall be issued.

14 Sec. 2. Original section 60-6,298, Revised Statutes
15 Supplement, 2003, is repealed.